

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tannichi ANDO et al.

Title: TERMINAL DEVICE, BUSINESS DESIGNATION METHOD, CONTENTS
PROVISION DEVICE, CONTENTS PROVISION METHOD, RECORDING
MEDIUM, PROGRAM, BUSINESS MANAGEMENT SYSTEM AND
BUSINESS MANAGEMENT METHOD

Appl. No.: 10/529,576

Filing Date: 3/30/2005

Examiner: Candice D. Carter

Art Unit: 3629

Confirmation Number: 7881

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Claims 1-3, 5-7, 9, 10, 12-13, 15-17, 19 and 20 were rejected under 35 U.S.C. §103 in view of U.S. Patent No. 6,826,579 to Leymann et al (“Leymann”) and U.S. 2003/0055668 to Saran et al. (“Saran”).¹ Claims 4, 8 and 11 were rejected under 35 U.S.C. §103(a) as being

¹ The Patent Office on page 4, item 2 of the Final Action quotes section 103, but on page 4, item 3, indicates the rejection is under section 102. Further, in the body of the rejection on pages 2-12 of the Final Action, the Patent Office argues that the claims are obvious in view of Leymann and Saran, and thus suggests the rejection is under section 103. For the purposes of this reply, applicants presume the Examiner intended to reject claims 1-3, 5-7, 9, 10, 12-13, 15-17, 19 and 20 under section 103.

unpatentable over Leymann in view of Saran and further in view of U.S. Patent Publication No. 2004/0203696 to Jijina et al (“Jijina”). Applicants respectfully traverse these rejections for at least the following reasons.

The references cited in the rejection of the claims do not disclose at least the feature of claim 1 of “contents reproduction control means for controlling the reproduction of said contents contained in said aggregate based on ordinal data associated with said aggregate, for which the output thereof has been designated with said aggregate output control means, among said ordinal data having described therein the reproduction order of said contents associated with each of said aggregates.”

Leymann discloses a process model of a workflow-management system. Leymann discloses in column 4 a process model, which include process activities, and a flow of control which determines the sequence in which the activities are executed (col. 4, lines 12-34). The results of an activity are put in an output container, each activity is additionally associated with an input container with input data, and each container is defined by a data structure which is an ordered list of variables (col. 4, lines 35-45). Data connectors represent the transfer of data from the output containers to the input containers (col. 4, lines 45-50).

The Patent Office on page 2 of the Advisory Action dated March 23, 2011, states:

Applicant argues that Leymann does not disclose the limitation “contents reproduction control means for . . . with each of said aggregates”. The Examiner respectfully disagrees. Leymann, in col. 4, line 51-col. 5, line 42 discusses using connectors to define the sequence of activities and the transmission of data between activities in the process. The connectors control the sequence/order of the [activities] and the data between the [activities].

Applicants submit, however, that even if the connectors of Leymann define a sequence of activities, Leymann **still** does not disclose the feature of claim 1 of “contents reproduction control means for controlling the reproduction of said contents contained in said aggregate based on ordinal data associated with said aggregate, for which the output thereof has been designated with said aggregate output control means, among said ordinal data having described therein the reproduction order of said contents associated with each of said aggregates.” Leymann merely discloses that its process model has a sequence of activities

where data is transmitted between activities. Defining a process model to have a sequence of activities is not the same as controlling the reproduction of those activities based on ordinal data. While the activities are performed in a certain order, Leymann does not disclose reproducing the activities as content in a certain order. Moreover, in Leymann, the transfer of results from one activity as input data to a next activity is also not the same as controlling the reproduction of contents in an aggregate based on ordinal data, where the ordinal data describes the reproduction order. Leymann merely discloses transferring result data from an activity to be input data of a next activity, not reproducing contents of a contents aggregate in a reproduction order. Indeed, Leymann is not concerned with reproducing contents of an aggregate per se, but merely in controlling process flow. Thus, even if the connectors of Leymann define a sequence of activities, Leymann and Saran, even if combined, still do not disclose all of the features of claim 1.

Saran and Jijina were cited for disclosing other features of the claims, but fail to cure the deficiencies of Leymann.

Independent claims 12, 13, 15-17, 19 and 20 have features corresponding to those discussed above with respect to claim 1, and are patentable for analogous reasons.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein. For example, new claims 21 and 22 respectively recite “a player configured to reproduce said contents contained in said aggregate in reproduction order based on control by said contents reproduction control means,” and “at least one of an image output unit configured to output an image, or a voice output unit player configured to output a sound, based on contents output from said player,” features not disclosed by Leymann.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date April 11, 2011

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5485

Facsimile: (202) 672-5399

By Thomas G. Bilodeau

William T. Ellis

Attorney for Applicant

Registration No. 26,874

Thomas G. Bilodeau

Attorney for Applicant

Registration No. 43,438